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Certified & True Copy

Date 6/30/04 Clerk

Joseph E. Wroten, Clerk

U.S. Bankruptcy Court

Northern District of Mississippi

By: Abel ss.

Revised: 10/1/03

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CH. CLK.UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN RE: MELISSA B. COUNCE

CASE NO.: 04-12628

DEBTOR(S)

CHAPTER 7

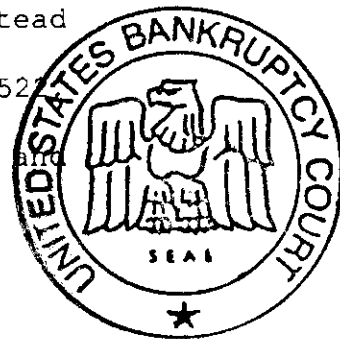
ORDER GRANTING MOTION TO AVOID JUDICIAL LIEN
OF CITIBANK (SOUTH DAKOTA), N.A.

This cause having come to be heard on Debtor's motion to avoid judicial lien of **Citibank** and the Court, having been fully advised in the premises, finds and adjudges as follows:

THAT a Judgment was entered against the Debtor, Melissa B. Counce, in favor of **Citibank (South Dakota), N.A.** in the County Court of Desoto County, Mississippi in case no.: C02004-0123 for approximately \$15,631.54.

THAT pursuant to 11 U.S.C. § 522(f), a Debtor in bankruptcy is entitled to avoid the fixing of a lien on an interest of the Debtor and property to the extent that such lien impairs an exemption to which Debtor would be entitled under 11 U.S.C. § 522(b), if such lien is a judgment lien.

THAT the subject judgment lien impairs certain exemptions to which Debtor is entitled as to her homestead property and personal property pursuant to 11 U.S.C. § 522 Mississippi Code Annotated § 85-3-1 and § 85-3-21,



Debtor is entitled to avoidance of the judicial lien as to her property to the extent said judicial lien impairs exemptions to which she is entitled.

IT IS THEREFORE ORDERED AND ADJUDGED, as follows:

Pursuant to 11 U.S.C. § 522(f)(1), the judicial lien of **Citibank (South Dakota), N.A.**, obtained against Debtor on March 23, 2004, in the County Court of Desoto County, Mississippi, case no.: CO2004-0123 is hereby avoided and held naught to the extent it impairs any property of the Debtor otherwise exempted by Title 85 Chapter 3, Mississippi Code Annotated (1972) and 11 U.S.C §522(b).

A certified copy of this Order is to be filed in the land records of Desoto County, Mississippi, and the Chancery Court Clerk is requested to index this Order in the direct and sectional index under the name of Melissa B. Counce, as grantor. Debtor's attorney is to ensure compliance with this condition.


The Circuit Clerk of Desoto County, Mississippi is to enter on the judgment roll that the judicial lien of **Citibank (South Dakota), N.A.**, has been partially canceled by this Order and a certified copy of the Order is to be placed in the suit file. Debtor's attorney is to ensure compliance with this provision.

The aforesaid clerks are authorized to charge fees for
their services as otherwise authorized by state law.

SO ORDERED AND ADJUDGED AND DECREED, this the 15th
day of June, 2004.

David W. Houston, III
DAVID W. HOUSTON, III
United States Bankruptcy Judge

Submitted by:


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